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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,641	06/27/2001	Kenneth H. Abbott	294438020US2	1956

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EXAMINER	
HAILU, TADESSE	

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/894,641	ABBOTT ET AL.	
	Examiner	Art Unit	
	Tadesse Hailu	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 June 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *51-53,55,57-62 and 66-131* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *76-89* is/are allowed.

6)☐ Claim(s) *51-53,55,57-62,66-75 and 90-131* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 August 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *5, 6, & 7*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to the US Patent Application number 09/894,641 filed June 27, 2001.

Priority

2. The current application claims priority from US Pat Application 09/216,193 filed December 18, 1998, now patented, 6,466,232.

Information Disclosure Statement

The Information Disclosure Statements submitted on 1/28/03, 11/06/03 and 4/1/04 are considered and entered into the file.

Status of the claims

3. The pending claims 51-53, 55, 57-62, and 66-131 are examined herein as follow.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 51-53, 55, 57-62, and 66-75 are rejected under 35 U.S.C. 102(b) as being anticipated by Toyouchi et al (Pat No. 6,006,251).

Toyouchi et al (6,006,251) discloses a service providing system used to provide information service to information acquiring computers over a wide area.

With regard to claim 51:

Toyouchi discloses a method in a portable computer (e.g., information acquiring computer 11, Fig. 1, column 7, lines10-13) for providing information about a context (condition) that is modeled with multiple context attributes (e.g., environmental conditions, etc, column 3, lines 21-54, column 34, lines 14-30).

The method of Toyouchi discloses receiving (column 6, lines 7-38) from each of multiple sources (Fig.1, information providing computers 21, 22, etc) an indication of an ability to supply values for at least one of the context attributes (e.g., condition table of user condition (context), tables 4, 5, etc) of the modeled context (column 2, lines 48- 65, column 10, lines 52-65, column 43, lines 10-19).

The method of Toyouchi further discloses that for each of multiple clients (e.g., information acquiring computers 11, 12, etc, Fig. 1) receiving an indication of a desire to receive information of interest (abstract, column 3, lines 21-38).

The method of Toyouchi further discloses that when at least one source (information provider 21) is determined to have the ability to supply the indicated information (column 7, lines 20-38, column 10, lines 52-65) retrieving the indicated information from at least one of those sources and sending the retrieved information to the client (column 11, lines 25-45).

The method of Toyouchi further discloses that when none of the sources have the ability to supply the indicated information, determining (see Fig. 60, wherein client's request is directed to one of the information providers that satisfies the user's request) one or more resources of other accessible computers with which the indicated information can be obtained (column 38, lines 41-55, Fig. 60).

The method of Toyouchi further discloses obtaining the indicated information with the determined resources (abstract).

The method of Toyouchi further discloses sending the obtained indicated information to the client (column 7, lines 20-38, column 43, lines 1-19).

With regard to claim 52:

Toyouchi further discloses that the determined resource (i.e., one of the information providers. Fig. 1) is processing capabilities of at least one other computer, and wherein the obtaining of the indicated information with the determined resource includes use of the processing capabilities (e.g., capacity/capability of software and hardware condition of information provider is determined) (column 7, lines 20-38, column 14, lines 55-column 15, lines 10, column 38, lines 5-25, column 43, lines 1-19).

With regard to claim 53:

Toyouchi further discloses that the determined resource is an input device of at least one other computer (e.g., one of the information provider computers of Fig. 1), and wherein the obtaining of the indicated information with the determined resource includes receiving input information from the input device (see input/output management unit, Fig. 62, column 38, lines 5-25, column 44, lines 55-67).

With regard to claim 55:

Toyouchi further discloses that at least one of the clients (one of the information acquiring computers 11) indicating a desire to receive indicated information is "characterization module" (e.g. a service providing computer 2, Fig. 1) (column 3, lines 55-column 4, lines 20, column 7, lines 20-38).

With regard to claim 57:

Toyouchi further discloses that the context that is represented is a current "context" (or condition) (column 11, lines 61-column 12, lines 7, column 45, lines 26-38).

With regard to claim 58:

Toyouchi further discloses that the "context attributes" (or condition variables) represent information about a user of the portable computer (or information acquiring computer 11, Fig. 1, which is also portable) (column 37, lines 25-41).

With regard to claim 59:

Toyouchi further discloses that the context attributes (or condition variables) represent information about the portable computer (i.e., information acquiring computer 11) (column 4, lines 5-7).

With regard to claim 60:

Toyouchi further discloses that the context attributes represent information about a group of users such that each of the users is a user of one of the other accessible computers (column 35, lines 5-42, also see Fig. 62, wherein a single execution management unit within service provider computer is shown).

With regard to claim 61:

Toyouchi further discloses that the context attributes represent information about the group of other accessible computers (e.g. information acquiring computers 11, 12, ...1m, Fig. 1) (column 9, lines 64-column 10, lines 2).

With regard to claim 62:

Toyouchi further discloses receiving of the sent obtained information by the client prompts the client to present information to a user (column 7, lines 20-38, column 43, lines 1-19)

With regard to claim 66:

Toyouchi further discloses that each of the sources is modules executing on the portable computer or are devices of the portable computer (e.g. PDA, column 7, lines 10-13) (column 42, lines 47-56).

With regard to claim 67:

Toyouchi further discloses that each of the clients is a module executing on the portable computer (e.g. PDA, column 7, lines 10-13) (column 42, lines 47-56).

With regard to claim 68:

Toyouchi further discloses that the information of interest is a value of one of the context attributes (column 16, lines 42-50, column 39, lines 24-65).

With regard to claim 69:

Toyouchi further discloses that the received indication of the ability to supply values from each of the multiple sources is a registration message from that source (column 20, lines 55-64, column 38, lines 41-55).

With regard to claim 70:

Toyouchi further discloses that the received indication of the desire to receive information of interest from each of the multiple clients is a registration message from that client (column 38, lines 61-63, column 39, lines 24-41).

With regard to claim 71:

Toyouchi further discloses verifying security information for each of the resources before the obtaining of the indicated information with those determined resources (column 39, lines 33-47).

With regard to claim 72:

Toyouchi further discloses verifying security information for each of the resources before supplying indicated information obtained from that resource to one of the clients (column 39, lines 33-65).

With regard to claim 73:

Toyouchi further discloses that the sending of the obtained indicated information to the client includes sending the obtained information to an output device of a computing device for the client such that the obtained information will be presented via the output device (column 43, lines 1-19).

With regard to claim 74:

Independent claim 74 is a computer-readable medium claim corresponding to method 51, and is believed to be unpatentable for at least the same reasons as described above in connection with claim 51.

With regard to claim 75:

Toyouchi discloses a portable computer (information acquiring computer, e.g. PDA, column 7, lines 10-13) for providing information about a context that is represented with multiple modeled attributes (see the multiple attributes in tables 4, 5, etc)

Toyouchi further discloses an attribute mapping module (service providing computer or module 2, Fig. 1) that is capable of receiving from each of multiple sources (from information providing computers 21, 22, etc) an indication of a current ability to supply values for at least one of the context attributes of the modeled context (column 2, lines 48- 65, column 7, lines 20-38, column 10, lines 52-65).

Toyouchi further discloses an information supplier module (information providing module or computer 21, Fig. 1) that is capable of receiving an indication of a desire to receive information of interest from a client (column 7, lines 20-38), of receiving the indicated information of interest from a source (information providing computer 21, Fig. 1) when at least one source has the ability to supply the indicated information of interest (column 10, lines 52-65).

Toyouchi further discloses sending the received information to the client (column 7, lines 20-38, column 43, lines 1-19).

Toyouchi further discloses that when none of the sources have the ability to supply the indicated information of interest, determining one or more resources of other accessible computers with which the indicated information of interest can be obtained (column 2, lines 48- 65, column 7, lines 20-38, column 10, lines 52-65).

Toyouchi further discloses obtaining the indicated information of interest with the determined resources, and sending the obtained indicated information of interest to the client (column 2, lines 48- 65, column 7, lines 20-38, column 10, lines 52-65).

5. Claims 90-103, and 105-131are rejected under 35 U.S.C. 102(b) as being anticipated by Theimer et al (US Pat No 5,611,050).

With regard to claim 90:

Theimer discloses a method in a first computer for providing information (e.g. portable device 64, Fig. 2) about a current state that is represented with multiple attributes (such as location information gained from badge serve, Input Monitor, etc).

Theimer further discloses receiving indications of multiple characterization modules (UserAgentA and UserAgentB are characterizing modules, Fig. 2) that each model a current state related to a computer (portable computer 64 and terminal 66) on which that characterization module executes, each modeled current state represented with at least one attribute (column 8, lines 62-column 9, lines 8, column 10, lines 10-55).

Theimer further discloses determining a need for access to a resource accessible to one of the computers on which one of the characterization modules is executing; and using the one characterization module to access the resource (as illustrated in Fig. 2, each user agent has access to other user agent, this interaction between agents enables them to access and share resources, also see (column 27, lines 57-column 28, lines 18).

With regard to claim 91:

Theimer further discloses that the determining of the need for access to the resource is based on receiving a request related to the access (column 27, lines 57-column 28, lines 18).

With regard to claim 92:

Theimer further discloses the need for access to the resource is based on obtaining functionality provided by the resource (column 7, lines 18-37).

With regard to claim 93:

Theimer further discloses that the resource is processing capabilities of the one computer, and wherein the accessing of the resource includes use of the processing capabilities (column 8, lines 39-43).

With regard to claim 94:

Theimer further discloses that the resource is an input device of the one computer, and wherein the accessing of the resource includes receiving input information from the input device (column 14, lines 24-42).

With regard to claim 95:

Theimer further discloses that the resource is an output device of the one computer, and wherein the accessing of the resource includes presenting output information via the output device (column 14, lines 24-42).

With regard to claim 96:

Theimer further discloses that the resource is information used during the executing of the one characterization module, and wherein the accessing of the resource includes retrieving the information (column 10, lines 4-38).

With regard to claim 97:

Theimer further discloses that the resource is a sensor of a computer distinct from the first computer that is receiving information about a user of the first computer, and wherein the accessing of the resource includes obtaining information about the user that is received by the sensor (column 20, lines 47-67).

With regard to claim 98:

Theimer further discloses that the resource is an output device of a computer distinct from the first computer that is perceivable by a user of the first computer, and wherein the accessing of the resource includes presenting information to the user on the output device (column 14, lines 24-42).

With regard to claim 99:

Theimer further discloses that the received indications of the multiple characterization modules are registration messages from each of the multiple characterization modules that indicate attributes that represent the current state modeled by that characterization module (column 7, lines 52-column 8, lines 9).

With regard to claim 100:

Theimer further discloses that the accessing of the resource is performed to send values of at least one of the attributes to the one characterization module (column 8, lines 29-43, column 20, lines 54-67).

With regard to claim 101:

Theimer further discloses accessing multiple remote resources to obtain distributed state information (column 27, lines 3-15).

With regard to claim 102:

Theimer further discloses modeling an aspect of the current state using the distributed state information (column 7, lines 18-37,column 8, lines 53-56).

With regard to claim 103:

Theimer further discloses least some of the multiple attributes represent information about a user of the first computer (column 10, lines 10-19).

With regard to claim 105:

Theimer further discloses that at least some of the multiple attributes represent information about the first computer (column 14, lines 43-50).

With regard to claim 106:

Theimer further discloses that at least some of the multiple attributes represent information about a physical environment of a user of the first computer (column 4, lines 12-34).

With regard to claim 107:

Theimer further discloses that at least some of the multiple attributes represent information about a cyber-environment of a user of the first computer (column 26, lines 22-43).

With regard to claim 108:

Theimer further discloses at least some of the multiple attributes represent a current prediction about a future state (column 10, lines 20-55).

With regard to claim 109:

Theimer further discloses at least some of the multiple attributes represent information about a group of users such that each of the users is a user of a computer on which one of the multiple characterization modules is executing (column 7, lines 18-37, column 8, lines 44-56).

With regard to claim 110:

Theimer further discloses that at least some of the multiple attributes represent information about the group of computers on which the multiple characterization modules are executing (column 7, lines 18-37, column 8, lines 44-56).

With regard to claim 111:

Theimer further discloses that at least some of the multiple attributes represent information about a physical environment common to the computers on which the multiple characterization modules are executing (column 4, lines 12-34).

With regard to claim 112:

Theimer further discloses at least some of the multiple attributes represent information about a cyber-environment common to the computers on which the multiple characterization modules are executing (column 26, lines 22-43).

With regard to claim 113:

Theimer further discloses that security information must be received for the one characterization module before that characterization module is used to access the resource (column 27, lines 3-26).

With regard to claim 114:

Theimer further discloses that the security information must be supplied to the one characterization module before that characterization module is used to access the resource (column 27, lines 3-26).

With regard to claim 115:

Theimer further discloses that the using of the one characterization module to access the resource includes requesting the one characterization module to access the

resource on behalf of a module performing the method (column 8, lines 62-column 9, lines 8, column 10, lines 10-55, column 26, lines 57-column 27, lines 2).

With regard to claim 116:

Theimer further discloses that the using of the one characterization module to access the resource includes requesting the one characterization module to provide information obtained from the resource (column 26, lines 57-column 27, lines 2).

With regard to claim 117:

Theimer further discloses that the using of the one characterization module to access the resource includes requesting the one characterization module to provide information to the resource (column 8, lines 62-column 9, lines 8, column 10, lines 10-55, column 26, lines 57-column 27, lines 2).

With regard to claim 118:

Theimer further discloses that the using of the one characterization module to access the resource includes requesting the one characterization module to provide access information for the resource, and including accessing the resource using the provided access information (column 8, lines 62-column 9, lines 8, column 10, lines 10-55).

With regard to claim 119:

Theimer further discloses that the accessing of the resource includes obtaining a value of at least one of the attributes that represent the current state modeled by the one characterization module (column 22, lines 32-56).

With regard to claim 120:

Theimer further discloses providing the obtained value to a client (column 8, lines 62-column 9, lines 8, column 10, lines 10-55).

With regard to claim 121:

Theimer further discloses providing the obtained value to another of the characterization modules (column 8, lines 62-column 9, lines 8, column 10, lines 10-55).

With regard to claim 122:

Theimer further discloses using information obtained from the accessing of the resource to provide functionality to clients (column 8, lines 44-56, column 8, lines 5-10, column 26, lines 65-column 27, lines 2).

With regard to claim 123:

Theimer further discloses providing information obtained from the accessing of the resource to clients (column 9, lines 59-64, column 21, lines 34-57).

With regard to claim 124:

Theimer further discloses receiving values of the attributes from sources and providing values of the attributes to clients (column 8, lines 29-43, column 21, lines 19-53).

With regard to claim 125:

Theimer further discloses that the least some of the sources are the characterization modules (column 8, lines 44-56).

With regard to claim 126:

Theimer further discloses that at least some of the clients are the characterization modules (column 7, lines 30-37).

With regard to claim 127:

Independent claim 127 is a computer-readable medium claim corresponding to method 90, and is believed to be unpatentable for at least the same reasons as described above in connection with claim 90.

With regard to claim 128:

Theimer further discloses that the computer-readable medium is a memory of the computing device (column 6, lines 46-62).

With regard to claim 129:

Theimer further discloses that the computer-readable medium is a data transmission medium transmitting a generated data signal containing the contents (column 3, lines 42-60).

With regard to claim 130:

Independent claim 130 is a computing device claim corresponding to method 90, and is believed to be unpatentable for at least the same reasons as described above in connection with claim 90.

With regard to claim 131:

Independent claim 131 is a computing device claim corresponding to method 90, and is believed to be unpatentable for at least the same reasons as described above in connection with claim 90.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 104 is rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer et al (5,611,050) in view of Schmidt et al, "There is more to Context than Location," Nov 1998.

With regard to claim 104:

While Theimer discloses that the represented information reflects location of a user, but Theimer does not disclose that the represented information reflects modeled mental state of the user.

Schmidt describes that the use of several sensors improves application of mobile device. Furthermore, Schmidt discloses information reflecting the mental sate of the user (Section 2). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to incorporate other sensor, such as mental state sensor of Schmidt's with Theimer's because having several sensors integrated with the system will provide a better and accurate result or value during determining the state of the user.

Allowable Subject Matter

7. Claims 76-89 are allowed.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 273-

4051. The Examiner can normally be reached on M-F from 10:00 - 630 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (571) 273-4048 Art Unit 2173.

6. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tadesse Hailu

September 09, 2004

JOHN CABECA
SUPERVISORY PATENT EXAMINER
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